

DAVIS, HENRY WINTER

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CONTEMPORARIES

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# Abraham Lincoln's Contemporaries

Henry Winter Davis

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# Lincoln Lore

August, 1974

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Number 1638

## "Please tell me what is there of the Maryland matter?"

Abraham Lincoln addressed the above question to Secretary of War Edwin M. Stanton on July 7, 1864. Lincoln penned the question at the top of a letter written on June 27, 1864 from one G.F. Kurtz to Maryland Senator Thomas H. Hicks. The Lincoln Library and Museum recently purchased the Lincoln-endorsed letter. Although part of the text appears in Roy P. Basler's *Collected Works of Abraham Lincoln*, the full text of the letter has not heretofore appeared in print. The text of the letter and an explanation of the circumstances surrounding it, follow.

### THE LETTER THAT PUZZLED THE PRESIDENT

Bonny Brook June 27 1864

Hon. T. H. Hicks

Dear Governor, Your favor of 19th was duly received, and we are anxious to hear further from you -

In the mean time I will mention to you that Lev. Straughn is doing his very utmost to get up a sentiment against the Commissioners, ~~in order~~ thereby ~~to~~ aiding the infamous designs of those who are endeavoring to gobble up the money that was intended for the negro volunteers - But thus far he meets with poor success - Some of his strongest party friends heretofore, are down on him in this matter - Even J.C. Wright his fast friend, is against him, and says he is ready to go on to Washington if necessary to join in ~~an effort to~~ a protest against the order of Sec. Stanton. Mr Rea says he is ready to lose the 300\$ due him from the Government for his slave rather than the County Commissioners should give way ~~and~~ in their determination, ~~not to~~ and pay the money of the negroes over to that scoundrel. I have not heard of one respectable man, who ~~does not~~ endorses Straughn - or condemns the Commissioners. I will mention further that he asserted to day in the presence of Mr Rea and others that he has my letter to you in his possession (perhaps he meant a copy of it) and that it is simply a complaint about the threat to ~~make a draft on~~ ~~Dorchester~~ for credit other counties with ~~the~~ our men - without any reference to paying the bounty - This you know is an unjust representation of its purport - for I distinctly mentioned the efforts we are

making to get access to the volunteers so as to pay them off - and that we had written to Col. Fry to know when a pass could be obtained for that purpose -

If the President will not revoke the order of the Secretary of War he will certainly not refuse to enable us to comply with it, by furnishing us with authority to go where the negroes are ~~and~~ to pay them off - This will end the controversy, and secure justice to all parties - If you will present the matter to the President in this aspect it seems to me he will not refuse so reasonable a request - The Commissioners meet on Monday next, and I am anxious to be able to inform them of the result of your effort to secure a favorable decision from the President -

As to the County Commissioners, they do not intend to be either brow-beaten or hoodwinked into a dishonorable sub-

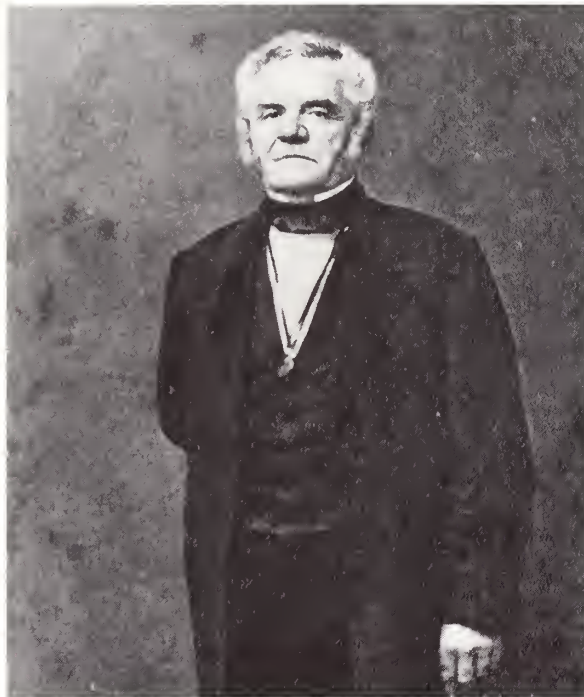
mission. We intend to be governed by the law of Maryland in this matter. There is no ~~other~~ authority or right any where else - It is Maryland money ~~and~~ for Maryland soldiers - Let Mr Stanton see to it that they get the Government bounty - and we will see to it they get the state bounty -

I am yours truly G. F. Kurtz

### THOMAS HICKS, NEGRO SOLDIERS, AND MARYLAND IN THE CIVIL WAR

President Lincoln announced his decision to recruit black soldiers for the Union army in the final version of the Emancipation Proclamation on New Year's Day, 1863. Thus the New Year ushered in a period of conflict and consternation in the already confused and bitterly divided politics of Maryland, for in Maryland slavery was still a legal institution and armed black men in uniform were a matter of dread for most white men.

By July, 1863, Colonel William Birney, the son of abolitionist James G. Birney, was recruiting a black regiment in the state. As Charles L. Wagandt shows in *The Mighty Revolution: Negro Emancipation in Maryland, 1862-1864* (Baltimore: Johns Hopkins Press, 1964), Birney saw his chance "of striking a heavy blow at the 'institution' in this state." Apparently, he recruited blacks who were still the property of Maryland citizens as well as free black men. Complaints reached the Maryland governor, and he tried to reach Lincoln.



From the Lincoln National Life Foundation

The durable-looking man above is Thomas Holliday Hicks (1798-1865). Born in Maryland, Hicks was a man of little education and much ambition for politics. He served as a constable at age twenty-one and was elected sheriff five years later. Hicks began as a Democrat, became a Whig, and ran for the Maryland governorship on the American (Know-Nothing) ticket. Despite his differences with Lincoln and Lincoln's Secretary of War, Hicks apparently admired the President. In 1863, an ankle injury led to the amputation of his foot. He wrote Lincoln, asking him to shake his son's hand and apologizing for not being able to walk up the stairs himself to see the President. The picture above is from a carte-de-visite photograph of Hicks in the Foundation's collection.

Augustus C. Bradford was the Governor of Maryland. Hicks had been governor when the war broke out but was United States Senator by the time Kurtz wrote him; Kurtz must have referred to him as "Governor" only as an honorary title like "Judge" for a one-time judge (though Basler's footnote in *The Collected Works* does not note this). Bradford apparently had a conference with Stanton and Lincoln, but the practice of recruiting slaves continued. He could gain no satisfaction until the Maryland Senators, Hicks and Reverdy Johnson, added their voices to the complaints; they arranged another meeting with Lincoln.

On October 1, 1863, Lincoln temporarily suspended Negro enlistments in Maryland, pending his meeting with Governor Bradford on October 3. The upshot of the conference can be surmised from Lincoln's memorandum on recruiting Negroes. As Wagandt points out, this document was actually written about events in Maryland in 1863 rather than in 1862, the date given the fragment in *Basler's Collected Works of Abraham Lincoln* (Volume V, page 338):

To recruiting free negroes, no objection.

To recruiting slaves of disloyal owners, no objection.

To recruiting slaves of loyal owners, *with their consent*, no objection.

To recruiting slaves of loyal owners *without consent*, objection, *unless the necessity is urgent*.

To conducting offensively, while recruiting, and to carrying away slaves not suitable for recruits, objection.

Recruiting resumed, after the conference, under General Orders No. 329. This order followed the outlines of Lincoln's memorandum, the most sensitive provision being that slaves would be enlisted without their master's consent if a county's draft quota were not filled within a thirty-day period. Masters whose slaves were so taken, as well as masters who consented to have their slaves enlist, were to be compensated in amounts up to \$300, for slaves who enlisted became free men thereafter. The master had to file a deed of manumission to receive his money.

Masters' claims were adjudicated by a three-man commission established in Baltimore on October 26, 1863. The commissioners may have been Lincoln appointees. If so, the President probably chose men nominated by Henry Winter Davis, the leader of the "radical" wing of Maryland's Union party (technically, Maryland had no Republican party because the very name smacked too much of abolitionism for this conservative border slave-state). At any rate, the three appointees came from the "radical" wing of Maryland's anti-Democratic party. One appointee, Judge Hugh L. Bond, was famous for having urged the enlistment of slaves long before events in October of 1863 clearly established the legality of such enlistments. He had already tangled with Governor Bradford publicly over this question. Levin E. Straughn, another appointee of the claims commission, was a friend of Henry Winter Davis and the man referred to in Kurtz's letter to Hicks. Davis had been urging, just a month before, that George M. Russum, United States assessor for the First District of Maryland, be replaced by Straughn. Presumably, Winter Davis got Straughn the next available federal job. The third commissioner was Thomas Timmons, a politician who carried favor with Maryland's poor whites rather than her slave owners by urging Negro enlistments so that poor whites could escape the draft. The board was thus fully staffed with men hostile to the very group that would be bringing claims before the board. Lincoln or Winter Davis stacked the deck against Maryland's slaveowners.

Just five days before the claims commission was appointed, according to a report in the Washington *National Intelligencer*, Lincoln had told a group of Maryland slaveowners protesting the presence of black soldiers who were recruiting black enlistees,

first, that he did not know by what authority the force in question had been sent there, and accordingly he directed Mr. Watson (Acting Secretary of War in the absence of Mr. Stanton on a visit to the army) to communicate with Gen. Schenck upon that point. He then added, in substance, that he thought that negroes might be recruited in Maryland by consent of masters, as they had been in the Army of the Cumberland, but he did not wish to effect the object in any rude or ungentlemanly manner. The President said he had promised Governor Bradford, Mr. Reverdy Johnson, and others that the enlistment of negroes should not take place under ninety days. He thought he would order the withdrawal of the negro troops now upon the Patuxent.

The nature of the appointees to the claims commission certainly negated the tone of mollification of slaveowners in Lincoln's statement.

On February 6, 1864, the Maryland state legislature added a \$100 bounty to the \$300 maximum to be paid slaveowners who filed deeds of manumission for Negro enlistees. It also



From the Lincoln National Life Foundation

Edwin McMasters Stanton (1814-1869) wielded considerable power as Lincoln's Secretary of War, and the conflicts generated by the War Department's administration of the recruitment program for black soldiers are proof. Senator Hicks and many historians since saw Stanton as a political radical. Yet he was not very politically-minded, having held no major public office before 1860, and he was not very radical early in his career. He was apparently a Democrat, he did not protest the Dred Scott decision that so enraged Abraham Lincoln, and he served briefly in James Buchanan's cabinet.

provided for paying \$50 to the slave when he enlisted and \$50 when he was mustered out of the service. Apparently, there was some foot-dragging on the part of state authorities who were supposed to pay the bounties to the slaves. War Department authorities felt compelled to refuse to give lists of descriptions of Negro enlistees or to accept slave owners' claims for slaves enlisted unless the slave received the state bounty of \$50.

Keeping this background in mind, one can make some sense of "the Maryland matter" that puzzled President Lincoln. The "Commissioners" against whom Straughn was reputedly getting up a sentiment were doubtless the county commissioners rather than the other two claims commissioners, who were apparently of Straughn's own factional persuasion in political matters. As Jean H. Baker has argued in her recent book, *The Politics of Continuity: Maryland Political Parties from 1858 to 1870* (Baltimore: Johns Hopkins Press, 1973), the Civil War witnessed a steady increase in the powers of the already powerful Maryland county-government officials. Before February 6, 1864, when Maryland instituted the state bounty system for enlistments, the state legislature had empowered the county commissioners to pay bounties to Maryland soldiers. Maryland citizens paid seven times higher taxes to the county than the state, and it was the county that wielded the largest resources. The county level was also the level at which the conservative Democratic party was entrenched in Maryland, and, according to Mrs. Baker, "For some Marylanders the most important function of county commissioners was to prevent slaves from joining the Union army." Apparently, the county commissioners still administered the state bounty system when it was instituted in 1864.

Kurtz's letter was a defense of Maryland's county commissioners. Straughn had apparently accused them of reluctance to pay Negro enlistees the state bounty — a charge substantiated by the War Department's resort to withholding descriptions of enlistees and refusing to pay slaveholders' claims until enlistees had the state bounty in hand. Kurtz replied that county commissioners needed War Department authority to have access to the soldiers who otherwise had to obtain a pass

to come to their home county to receive payment. Kurtz, on the other hand, accused Straughn of wanting "to gobble up the money that was intended for the negro volunteers." Straughn probably wanted to dispense the state bounty as well as the Federal compensation. This way, he could see the \$50 paid to the soldier by his own hand before deciding whether to grant a slaveholder's claim for Federal compensation for an enlistee.

It should be pointed out, in all fairness to Kurtz, that the claims commission was notoriously slow about paying claims; Winter Davis's "radical" political allies obviously were none too anxious to please their conservative slave-owning political enemies. Their foot-dragging was so obvious, in fact, that by October, 1864, a Maryland congressman asked the Board for Colored Troops of the Adjutant General's Office for information on claims paid. The reply follows:

A board or commission charged to award a just compensation to loyal owners in the State of Maryland whose slaves enlisted in the military service of the United States has been in session at Baltimore, Md., since December, 1863. The whole number of claims presented to October 4, 1864, is 2,015, five of these being for men drafted.

Up to Oct. 1, 1864, 244 of these claims had been passed upon by the commission; of these nine were rejected, and upon the remainder awards were made proportionate in each case to the term of service which the recruit had prior to enlistment owed to the claimant.

Thus Straughn's commission had paid just twelve per cent of the claims laid before it in eleven months' time. There is little reason to wonder that Maryland's slaveowners were leary of Straughn's gaining control of the state bounties.

Even so, Maryland was better off than other border slave states. As late as January 25, 1865, Secretary of War Stanton had to say,

In reply to the resolution of the Senate of this date, making inquiry respecting the appointment of "a commission in each of the slave States represented in Congress, charged to award to each loyal person to whom a colored volunteer may owe service a just compensation," I have the honor to state that commissioners have been appointed in the States of Maryland and Delaware, and that in the other slave States, by the President's direction, no appointments have yet been made.

Lincoln had bent over backwards to please Maryland. Even Stanton's War Department had done a lot to mollify this slave state. On May 9, 1864, Governor Bradford had written Provost-Marshal-General James B. Fry to request a postponement of the draft in Maryland on the grounds that the state had not been credited properly for the number of colored troops mustered from the state. He complained of the drain on the labor supply in the rural counties occasioned by the loss of so many black men. Even so, he said, he would in his computation make "all due allowance for those who have been actually lost to the State and their owners but not actually mustered, nor perhaps, technically speaking, a proper credit to our quota." Abolitionist recruiters took Negroes who were obviously unfit for service and then released them when they failed their physicals. Bradford was saying he would not count these as credits, even though they hurt Maryland's labor supply. In a denial which was actually an assertion of the point, he claimed that he would "forbear to dwell at all upon other circumstances in the history of the condition of this State, growing out of the number of her disloyal citizens who have gone South that would justly entitle the loyal ones at home to liberal considerations."

On May 10, Fry replied that due credit had been given Maryland for her black volunteers, including credit for 2,252 colored men recently given "without waiting, as is customary, for more certain and formal rolls and returns." Fry went on to state that Maryland had in fact been given "liberal considerations."

First. The quotas assigned to you since March 3, 1863, have all been based upon an enrollment of the white persons found to be still in the State after the disloyal persons had gone South. The quotas being in proportion to the number of men left, the fact that some men had gone South previous to the enrollment worked no hardship.

Second. After having assigned quotas in proportion to the enrollment of white men as above, the slaves were enrolled and are used for filling the quotas of volunteers and draft, but have not been counted to increase the quota. That is surely not dealing "strictly" with you.

Third. During the years 1861 and 1862 quotas were assigned to your State, as to other States, on the basis of population. Those quotas were not raised, and on a settlement of your accounts for those years you were found to be deficient 9,892 men. Instead of being added to the number now required of you, as has been the case in other States, this large deficit has been entirely omitted from your

account. I think, therefore, that Maryland has received "liberal considerations," and that Your Excellency's claim for "simple justice" has been more than satisfied.

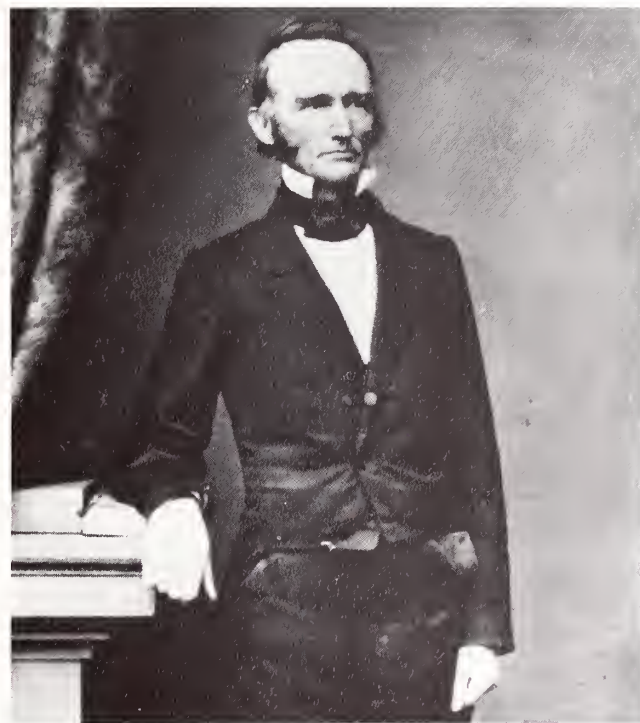
Fry refused to postpone the draft. He also refused to comment on Bradford's insinuation that the War Department had served the political cause of abolishing slavery under the mere cloak of military purpose by carrying off slaves who were physically unfit for military service. He did have an oblique counter to that argument, however, pointing out that Maryland got to credit slave volunteers towards her draft quota which was based on white population alone and not on total population.

The outcome of Kurtz's letter to Senator Hicks is not entirely clear. Lincoln endorsed the letter (written on June 27) on July 7. Nearly a month later, on August 6, 1864, Lincoln telegraphed Colonel Samuel M. Bowman, who had replaced Colonel Birney as the United States officer in charge of recruiting colored troops in Maryland, urging him, to "come and see me." Bowman replied:

Will call with Mr L E Straughn on Monday Have had a very satisfactory interview with Senator Hicks who says he just begins to understand the subject. Good and not evil is likely to result from the present little agitation.

What occurred at the Lincoln-Bowman-Straughn conference is unknown, but the tone of Bowman's telegram seems to indicate that he had brought Hicks around to his way of thinking. This probably took some doing. Although Bowman replaced the abolitionist's son as chief recruiting officer for Maryland's black men, the change does not seem to have been made in order to replace a radical with a conservative. Birney left Maryland for South Carolina, where he was to command two Negro regiments. For a man of abolitionist leanings this hardly constituted banishment to Siberia. Likewise, as late as August 19, 1864, Senator Hicks wrote Abraham Lincoln, complaining that Henry Winter "Davis & his retinue are doing us [political] damage, but not equal to Hon. E.M. Stanton and Colonel Bowman." Clearly Hicks and Bowman remained factional enemies, but Bowman may have brought Hicks to Straughn's support anyway.

Thomas Holliday Hicks was nothing if not flexible. He had



From the Lincoln National Life Foundation

Montgomery Blair (1813-1883) was a border-state politician. Born in Kentucky to a family that became prominent in Democratic political circles, he lived later in Missouri and Maryland. Famous today for his enthusiasm for Negro colonization, Blair was a veteran of anti-slavery politics long before Henry Winter Davis evidenced much concern on the issue. Blair served as counsel for Dred Scott and helped John Brown get counsel too. By 1864, however, he led Maryland's conservative Unionists, and Winter Davis led the "radicals."

been a Democrat, a Whig, and a Know Nothing (it was on the last ticket that he ran for governor and won, to become the Governor of Maryland when the Civil War broke out). Hicks was the son of a slaveholder and a slaveholder himself, but he did much to keep Maryland in the Union. Nevertheless, he was a lukewarm nationalist at most and identified sentimentally with the border slave states. Mrs. Baker quotes two interesting Hicks remarks. The first was in a letter to a Democratic friend in 1860:

I shall be the last one to object to a withdrawal of our state from a Confederacy that denies to us the enjoyment of our undoubted rights; but believing that neither her honor nor interests suffer by a proper and just delay, I cannot assist in placing her in a position from which we may hereafter wish to recede. When she moves in the matter, I wish to be side by side with Virginia — our nearest neighbor — Kentucky and Tennessee.

The second, from an "Address to the People of Maryland" (January 3, 1861) urged a

full interchange of views with the Governors of Virginia, Kentucky, Tennessee, and Missouri with a view to concerted action upon our part . . . I believe firmly that the salvation of the Union depends upon the Border slave states. Without their aid, the Cotton States could never command the influence and credit and men essential to their existence as a nation. Without them, the Northern half of the republic would be shorn of its power and influence.

As early as March 18, 1862, this Maryland slaveholder was urging emancipation on Abraham Lincoln, and he supported the move to emancipate Maryland's slaves by means of a constitutional amendment in 1864. Yet Hicks was no mere self-aggrandizing trimmer. He supported emancipation at some considerable personal loss, as a rather self-pitying letter he wrote President Lincoln in 1864 shows: "I have given up fifteen to twenty thousand dollars worth of slaves, without a murmur and have labored assiduously to bring about Emancipation in Maryland, and yet I suppose I am looked upon by some as a Copperhead . . ."

According to Reinhard H. Luthin's article, "A Discordant Chapter in Lincoln's Administration: The Davis-Blair Controversy" (*Maryland Historical Magazine*, XXXIX [March, 1944]), Henry Winter Davis ironically became a regular White House visitor who had President Lincoln's ear through the good offices of Governor Hicks. By the time Hicks was a Senator, however, he and Winter Davis were factional enemies. Davis led Maryland's Unconditional Unionist party; Hicks was a member of Postmaster General Montgomery Blair's Conditional Unionist faction. In truth, the factions were inappropriately named, for the Conditional Unionists desired a war for the Union without immediate emancipation as a condition of peace. The so-called Unconditional Union men in fact wanted immediate emancipation to be one result of saving the Union.

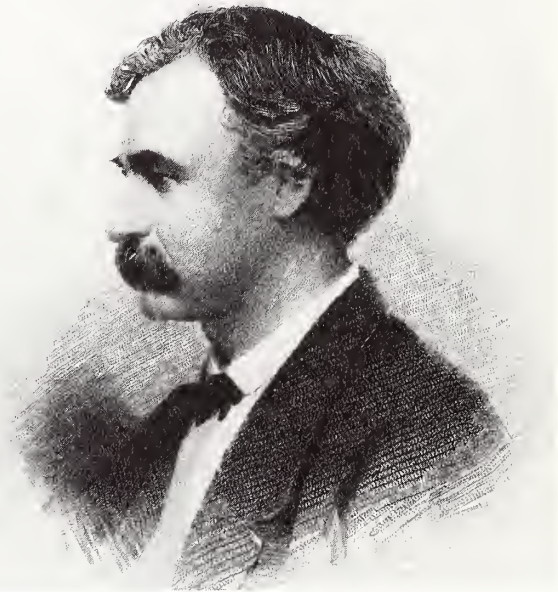
Even after the meeting in Washington in early August, which was meant to resolve the Kurtz-Straughn-Bowman-Hicks feud, Hicks was still complaining to Lincoln about Stanton, Winter Davis, and Bowman. He seems to have had a personal hatred of Stanton. In June of 1864, Stanton had insulted Hicks when he came to the Secretary of War with a request to release a prisoner. Stanton apparently lectured Hicks for trying to gain the release of rebels, and Hicks wrote Lincoln demanding an apology from Stanton and threatening to resign. In late August, Hicks also sent Lincoln a letter from a W. Thomson, who said that Henry Winter Davis was giving jobs to Lincoln's enemies in the Baltimore customs house. Yet these threats of resignation and the reports on the Baltimore customs house were probably just the beginnings of what became a concerted campaign by Hicks's friends in the autumn of 1864 to get him the lucrative job of collector for the port of Baltimore so that he could resign his job as Senator and halt the decline in his health.

In late August he still hated Stanton and Bowman more than the factional enemies in Maryland who blocked him from getting the customs house job. His letter to Lincoln complaining that Stanton and Bowman did the party more damage than Davis and the Baltimore customs house crowd, suggested that the abuses in Negro recruiting would lead to defeat of the emancipation provision in the new Maryland constitution, to loss of the November election in Maryland, and to turning Maryland and Pennsylvania into battlefields of outright civil war. This was a dire prediction indeed and came from a Maryland moderate who supported Lincoln's war efforts and emancipation in the nation and Maryland. Whatever resolution the August 6 Lincoln-Bowman-Straughn conference brought had been but a temporary lull in Maryland's factional warfare.

In fact, the problem of Negro enlistments never reached the proportions Thomas Hicks predicted and not, apparently,

because Lincoln halted Stanton's and Bowman's activities in Maryland nor Straughn's foot-dragging on the claims commission. John W. Blassingame's lucid article on "The Recruitment of Negro Troops in Maryland" (*Maryland Historical Magazine*, LVIII [1963], 20-29) was an immense help in sorting out the complex legal situation in Maryland. He points out that Negro recruiting succeeded because poor whites could use blacks as draft substitutes and because slaveowners could get \$300 or \$400 for property that many sensed would soon be lost anyway.

"This Maryland matter" and others like it, however, do point to a larger conclusion about Abraham Lincoln's policies. A son of the border himself, Lincoln had really left Hicks's world and never looked back. Lincoln, in fact, did more for Maryland (by way of establishing a claims commission for loyal slaveowners) than he did for Tennessee, Missouri, or his native Kentucky. He wanted no ungentlemanly behavior in recruiting black soldiers, but he did want them recruited. Lincoln stood for policies that made even pro-Lincoln Unionists complain. Men who do not believe in policies do not usually implement them effectively. When it came to carrying out his policy, Lincoln relied on Stanton, Bowman, and friends of Henry Winter Davis like Levin E. Straughn. Hicks hated Stanton, the man who instrumented a policy most Marylanders disliked, more than he hated Davis, the man who blocked access to the patronage job Hicks wanted. Policy on race more than factional disputes about jobs separated Hicks from Lincoln's brand of Republicanism.



From the Lincoln National Life Foundation

Henry Winter Davis (1817-1865) may have got his hatred of the Democracy from his Federalist father, who had been removed by Andrew Jackson's supporters from the presidency of Maryland's St. John's College. Winter Davis's party career was erratic, but he never identified with the Democrats. He began as a Whig, became a Know Nothing, and supported the Constitutional Union party in 1860 rather than the Republican party and Lincoln. His five-year feud with Montgomery Blair began when President Lincoln chose Blair rather than Winter Davis for Postmaster General. Some historians argue that Davis's opposition to Lincoln's plans for reconstruction in 1864 was a matter of political pique stemming from his feud with Lincoln's cabinet member rather than a matter of principle. Such an interpretation jibes with Winter Davis's apparent indifference to the slavery issue in 1860. However, it ignores the obvious political clout Davis had in determining Lincoln's patronage selections in the intervening years. A biography of Henry Winter Davis is badly needed, and apparently one will appear soon. The line-and-stipple engraving above was made by F. Halpin from a photograph and published in *Speeches and Addresses . . . by Henry Winter Davis, of Maryland* (New York: Harper & Brothers, 1867).

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